



Reprinted
February 20, 2008

ENGROSSED HOUSE BILL No. 1105

DIGEST OF HB 1105 (Updated February 19, 2008 3:52 pm - DI 87)

Citations Affected: IC 5-2; IC 5-10; IC 5-22; IC 6-1.1; IC 6-3.5; IC 36-1; IC 36-3; IC 36-6; IC 36-8; noncode.

Synopsis: Various public safety matters. Increases to 65 years of age (from 60 years of age) the mandatory retirement age for a participant in the excise police, gaming agent, and conservation enforcement officers' retirement plan (plan). Caps the plan's annual retirement allowance at 75% of the participant's average annual salary. Establishes a deferred retirement option plan (DROP) for plan participants. Requires a law enforcement officer who: (1) has less than 25 years experience as a law enforcement officer; and (2) has not been employed as a law enforcement officer in the 10 years before being hired as a law enforcement officer; to repeat the full basic training course in order to regain law enforcement powers. Provides that a law
(Continued next page)

Effective: Upon passage; July 1, 2008.

Tincher, Goodin

(SENATE SPONSORS — BRAY, WATERMAN, WYSS, SKINNER)

January 8, 2008, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 22, 2008, amended, reported — Do Pass.

January 29, 2008, read second time, amended, ordered engrossed.

January 30, 2008, engrossed. Read third time, passed. Yeas 89, nays 1.

SENATE ACTION

February 5, 2008, read first time and referred to Committee on Pensions and Labor.

February 14, 2008, reported favorably — Do Pass.

February 19, 2008, read second time, amended, ordered engrossed.

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enforcement officer who has at least 25 years experience as a law enforcement officer is not required to repeat the full basic training course but is required to attend a refresher course and a pre-basic training course to regain law enforcement powers. Provides that a governmental body may transfer property to the board of fire trustees of a fire protection district or the provider unit of a fire protection territory under the same circumstances that property may be transferred to a volunteer fire department. Provides that a participating unit in a fire protection territory may transfer any money belonging to the participating unit to the fire protection territory fund, the fire protection territory equipment replacement fund, or both funds. Legalizes any transfer of money from a participating unit to a fire protection territory before July 1, 2008. Provides that when a fire protection territory dissolves, title to any real property transferred to the provider unit reverts to the participating unit that transferred the real property to the provider unit. Provides that on January 1, 2009, the fire departments of all of the following are consolidated into the fire department of the consolidated city: (1) The townships in the county containing the consolidated city. (2) A fire protection territory in the county containing the consolidated city. Provides that after December 31, 2008, the consolidated fire department provides fire protection services throughout the county with the exception of the excluded cities. Provides that the consolidation of fire departments results in the transfer of property, equipment, records, rights, contracts (including labor contracts), and indebtedness. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the consolidation. Requires the consolidated fire department to develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. Requires the mayor of the consolidated city to establish a professional standards board with responsibility after December 31, 2008, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. Provides that the requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards. Specifies that a subcommittee of the professional standards board, under the direction of a board-certified emergency physician, is responsible for certification and credentialing of emergency medical responders. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Establishes a maximum property tax levy for the consolidated city for property taxes payable in 2009, 2010, and 2011 that is the sum of the city's 2009 maximum levy plus the combined amounts levied in 2008 by the townships, fire protection territory, and included towns for firefighting. Adjusts the county option income tax distributive shares of the townships and the consolidated city and county. Specifies that the balance in the cumulative building and equipment fund for fire protection and related services of each entity whose fire department is consolidated into the fire department of the consolidated city be transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services.

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Reprinted
February 20, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1105

A BILL FOR AN ACT to amend the Indiana Code concerning
public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.230-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:
8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.
16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,

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county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

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(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (q), and (r), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:
 - (A) attorney; or
 - (B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-2-1-15(i).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in

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1 subsection (d) for one (1) year after the date the law enforcement
2 officer is appointed.

3 (f) The board shall adopt rules under IC 4-22-2 to establish a
4 pre-basic course for the purpose of training:

5 (1) law enforcement officers;

6 (2) police reserve officers (as described in IC 36-8-3-20); and

7 (3) conservation reserve officers (as described in IC 14-9-8-27);
8 regarding the subjects of arrest, search and seizure, the lawful use of
9 force, and the operation of an emergency vehicle. The pre-basic course
10 must be offered on a periodic basis throughout the year at regional sites
11 statewide. The pre-basic course must consist of at least forty (40) hours
12 of course work. The board may prepare the classroom part of the
13 pre-basic course using available technology in conjunction with live
14 instruction. The board shall provide the course material, the instructors,
15 and the facilities at the regional sites throughout the state that are used
16 for the pre-basic course. In addition, the board may certify pre-basic
17 courses that may be conducted by other public or private training
18 entities, including postsecondary educational institutions.

19 (g) The board shall adopt rules under IC 4-22-2 to establish a
20 mandatory inservice training program for police officers. After June 30,
21 1993, a law enforcement officer who has satisfactorily completed basic
22 training and has been appointed to a law enforcement department or
23 agency on either a full-time or part-time basis is not eligible for
24 continued employment unless the officer satisfactorily completes the
25 mandatory inservice training requirements established by rules adopted
26 by the board. Inservice training must include training in interacting
27 with persons with mental illness, addictive disorders, mental
28 retardation, and developmental disabilities, to be provided by persons
29 approved by the secretary of family and social services and the board,
30 and training concerning human and sexual trafficking. The board may
31 approve courses offered by other public or private training entities,
32 including postsecondary educational institutions, as necessary in order
33 to ensure the availability of an adequate number of inservice training
34 programs. The board may waive an officer's inservice training
35 requirements if the board determines that the officer's reason for
36 lacking the required amount of inservice training hours is due to either
37 of the following:

38 (1) An emergency situation.

39 (2) The unavailability of courses.

40 (h) The board shall also adopt rules establishing a town marshal
41 basic training program, subject to the following:

42 (1) The program must require fewer hours of instruction and class

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attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city;

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(2) the police chief of any town having a metropolitan police department; and

(3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) worked as a full-time law enforcement officer for at least one (1) year before the officer is hired under subdivision (1);

(3) has not been employed as a law enforcement officer for at least two (2) years and less than ~~six (6)~~ **ten (10)** years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and

(4) completed **at any time** a basic training course certified by the board before the officer is hired under subdivision (1).

(o) An officer to whom subsection (n) applies must successfully complete the refresher course described in subsection (n) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(p) A law enforcement officer who:

(1) has completed a basic training course certified by the board; **and**

(2) has not been employed as a law enforcement officer in the ~~six (6)~~ **ten (10)** years before the officer is hired as a law enforcement officer; **and**

(3) **has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection**

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(n)(1);

is not eligible to attend the refresher course described in subsection (n) and must repeat the full basic training course to regain law enforcement powers. **However, a law enforcement officer who worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1), and who otherwise satisfies the requirement of subsection (n), is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) and the pre-basic training course established under subsection (f).**

(q) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(r) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

SECTION 2. IC 5-10-5.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (b), every participant is required to retire on the first day of the month following the participant's ~~sixtieth~~ **sixty-fifth** birthday.

(b) An officer who becomes a participant after becoming fifty (50) years of age is required to retire on the earlier of:

- (1) the first day of the month following the participant's sixty-fifth birthday; or
- (2) the first day of the month following the completion of ~~ten (10)~~ **fifteen (15)** years of service.

SECTION 3. IC 5-10-5.5-10, AS AMENDED BY P.L.180-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Benefits provided under this section

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are subject to section 2.5 of this chapter.

(b) The annual retirement allowance of a participant, payable in equal monthly installments beginning on the participant's normal retirement date, shall be a percentage of the participant's average annual salary, such percentage to be twenty-five percent (25%) increased by one and two-thirds percent ($1\frac{2}{3}\%$) of the participant's average annual salary for each completed year of creditable service more than ten (10) years. **However, the annual retirement allowance computed under this subsection may not exceed seventy-five percent (75%) of the participant's average annual salary.**

(c) The annual retirement allowance shall cease with the last monthly payment prior to the death of the participant.

SECTION 4. IC 5-10-5.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) As used in this section, "DROP" refers to a deferred retirement option plan established under this section.**

(b) As used in this section, "DROP entry date" means the date that a participant's election to enter a DROP becomes effective.

(c) As used in this section, "DROP frozen benefit" refers to an annual retirement allowance computed under section 10 of this chapter based on a participant's:

- (1) average annual salary; and**
- (2) years of creditable service;**

on the date the participant enters the DROP.

(d) As used in this section, "DROP retirement date" means the future retirement date selected by a participant at the time the participant elects to enter the DROP.

(e) Only a participant who is eligible to receive an unreduced annual retirement allowance immediately upon termination of employment may elect to enter a DROP. A participant who elects to enter the DROP must agree to the following:

- (1) The participant shall execute an irrevocable election to retire on the DROP retirement date and must remain in active service until that date.**
- (2) While in the DROP, the participant shall continue to make contributions under section 8 of this chapter.**
- (3) The participant shall select a DROP retirement date not less than twelve (12) months and not more than thirty-six (36) months after the participant's DROP entry date.**
- (4) The participant may not remain in the DROP after the date the participant reaches the mandatory retirement age**

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under section 9 of this chapter.

(5) The participant may make an election to enter the DROP only once in the participant's lifetime.

(f) Contributions or payments provided by the general assembly under section 4(b)(4) of this chapter continue for a participant while the participant is in the DROP.

(g) A participant shall exit the DROP on the earliest of the following:

(1) The participant's DROP retirement date.

(2) Thirty-six (36) months after the participant's DROP entry date.

(3) The participant's mandatory retirement age.

(4) The date the participant retires because of a disability as provided by subsection (k).

(h) A participant who retires on the participant's DROP retirement date or on the date the participant retires because of a disability as provided by subsection (k) may elect to receive an annual retirement allowance:

(1) computed under section 10 of this chapter as if the participant had never entered the DROP; or

(2) consisting of:

(A) the DROP frozen benefit; plus

(B) an additional amount, paid as the participant elects under subsection (i), determined by multiplying:

(i) the DROP frozen benefit; by

(ii) the number of months the participant was in the DROP.

(i) The participant shall elect, at the participant's retirement, to receive the additional amount calculated under subsection (h)(2)(B) in one (1) of the following ways:

(1) A lump sum paid on:

(A) the participant's DROP retirement date; or

(B) the date the participant retires because of a disability as provided by subsection (k).

(2) Three (3) equal annual payments:

(A) commencing on:

(i) the participant's DROP retirement date; or

(ii) the date the participant retires because of a disability as provided by subsection (k); and

(B) thereafter paid on:

(i) the anniversary of the participant's DROP retirement date; or

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(ii) the date the participant retires because of a disability as provided by subsection (k).

(j) A cost of living increase determined under section 21(c) of this chapter does not apply to the additional amount calculated under subsection (h)(2)(B) at the participant's DROP retirement date or the date the participant retires because of a disability as provided by subsection (k). No cost of living increase is applied to a DROP frozen benefit while the participant is in the DROP. After the participant's DROP retirement date or the date the participant retires because of a disability as provided by subsection (k), cost of living increases determined under section 21(c) of this chapter apply to the participant's annual retirement allowance computed under this section.

(k) If a participant becomes disabled, in the line of duty or other than in the line of duty while in the DROP, the participant's annual retirement allowance is computed as follows:

(1) If the participant retires because of a disability less than twelve (12) months after the date the participant enters the DROP, the participant's annual retirement allowance is calculated as if the participant had never entered the DROP.

(2) If the participant retires because of a disability at least twelve (12) months after the date the participant enters the DROP, the participant's annual retirement allowance is calculated under this section, and the participant's retirement date is the date the member retires because of a disability rather than the participant's DROP retirement date.

(l) If, before payment of the participant's annual retirement allowance begins, the participant dies in the line of duty or other than in the line of duty, death benefits are payable as follows:

(1) The benefit calculated under subsection (h)(2)(B) is paid in a lump sum to the participant's surviving spouse. If there is no surviving spouse, the lump sum must be divided equally among the participant's surviving children. If there are no surviving children, the lump sum is paid to the participant's parents. If there are no surviving parents, the lump sum is paid to the participant's estate.

(2) A benefit is paid on the DROP frozen benefit under the terms of the retirement plan created by this chapter.

(m) Except as provided under subsections (k) and (l), the annual retirement allowance for a participant who exits the DROP for any reason other than retirement on the participant's DROP retirement date is calculated as if the participant had never entered

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1 **the DROP.**

2 SECTION 5. IC 5-22-22-12 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) This section
4 applies to the following surplus property:

- 5 (1) Fire trucks.
6 (2) Emergency service vehicles.
7 (3) Firefighting or emergency services equipment.

8 (b) As used in this section, **"fire department" refers to any of the**
9 **following:**

10 (1) A volunteer fire department ~~has the meaning set forth (as~~
11 **defined in IC 36-8-12-2).**

12 (2) **The board of fire trustees of a fire protection district**
13 **established under IC 36-8-11.**

14 (3) **The provider unit of a fire protection territory established**
15 **under IC 36-8-19.**

16 (c) Notwithstanding section 4, 4.5, or 5 of this chapter, a
17 governmental body may transfer title of surplus property to a ~~volunteer~~
18 fire department for the ~~volunteer~~ fire department's use in providing fire
19 protection or emergency services.

20 (d) A ~~volunteer~~ fire department located in the same county as the
21 governmental body offering the surplus property for transfer has the
22 right of first refusal for all surplus property offered. Surplus property
23 that is refused by the ~~volunteer~~ fire departments located in the same
24 county as the governmental body may be transferred to any ~~volunteer~~
25 fire department in Indiana.

26 (e) A governmental body may transfer title of surplus property to a
27 ~~volunteer~~ fire department under this section by:

- 28 (1) sale;
29 (2) gift; or
30 (3) another arrangement acceptable to the governmental body and
31 the ~~volunteer~~ fire department.

32 SECTION 6. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2008]: **Sec. 22. (a) The ad valorem property**
35 **tax levy limits imposed by this chapter do not apply to ad valorem**
36 **property taxes imposed by a consolidated city to pay or fund any**
37 **indebtedness assumed, defeased, paid, or refunded under**
38 **IC 36-3-1-6.1.**

39 (b) **For purposes of this section:**

40 (1) **"consolidating entity" means:**

- 41 (A) **an included town under IC 36-3-1-7; or**
42 (B) **a:**

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- 1 (i) township; or
 2 (ii) fire protection territory;
 3 whose fire department is consolidated into the fire
 4 department of a consolidated city under IC 36-3-1-6.1; and
 5 (2) "maximum levy" means the maximum permissible ad
 6 valorem property tax levy under section 3 of this chapter.
 7 (c) The maximum levy of a consolidated city for property taxes
 8 first due and payable in 2009, 2010, and 2011 is the sum of:
 9 (1) the maximum levy of the consolidated city for property
 10 taxes first due and payable in 2009 determined without regard
 11 to this section; plus
 12 (2) the amount equal to the combined property tax levies of
 13 each consolidating entity for property taxes first due and
 14 payable in 2008 for fire protection and related services.
 15 (d) The maximum levy for property taxes first due and payable
 16 in 2009 is reduced for each consolidating entity other than a
 17 township by the amount equal to the property tax levy of the
 18 consolidating entity for taxes first due and payable in 2008 for any
 19 services and operations for which responsibility is transferred to
 20 the consolidated city in 2009.
 21 (e) The maximum levy of a consolidating entity that is a
 22 township for the township's firefighting fund for property taxes
 23 first due and payable after 2008 is zero (0).
 24 (f) For purposes of determining the maximum levy for property
 25 taxes first due and payable in 2012 for an entity for which the
 26 maximum levy determined under this section for property taxes
 27 first due and payable in 2011 is greater than zero (0), the maximum
 28 levy to be used in:
 29 (1) STEP ONE of section 3(a) of this chapter; or
 30 (2) STEP ONE of section 3(b) of this chapter;
 31 is the maximum levy determined under this section for the entity
 32 for property taxes first due and payable in 2011.
 33 SECTION 7. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005,
 34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: Sec. 18.5. (a) This section applies to a county
 36 containing a consolidated city.
 37 (b) Notwithstanding section 18(e) of this chapter, the distributive
 38 shares that each civil taxing unit in a county containing a consolidated
 39 city is entitled to receive during a month equals the following:
 40 (1) For the calendar year beginning January 1, 1995, calculate the
 41 total amount of revenues that are to be distributed as distributive
 42 shares during that month multiplied by the following factor:

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1	Center Township	.0251
2	Decatur Township	.00217
3	Franklin Township	.0023
4	Lawrence Township	.01177
5	Perry Township	.01130
6	Pike Township	.01865
7	Warren Township	.01359
8	Washington Township	.01346
9	Wayne Township	.01307
10	Lawrence-City	.00858
11	Beech Grove	.00845
12	Southport	.00025
13	Speedway	.00722
14	Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

19	Center Township	\$1,898,145
20	Decatur Township	\$164,103
21	Franklin Township	\$173,934
22	Lawrence Township	\$890,086
23	Perry Township	\$854,544
24	Pike Township	\$1,410,375
25	Warren Township	\$1,027,721
26	Washington Township	\$1,017,890
27	Wayne Township	\$988,397
28	Lawrence-City	\$648,848
29	Beech Grove	\$639,017
30	Southport	\$18,906
31	Speedway	\$546,000

and subject to subdivisions (4) and (5), after December 31, 2008, in any month calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

36	Center Township	0.02510
37	Decatur Township	0.00012
38	Franklin Township	0.00032
39	Lawrence Township	0.00048
40	Perry Township	0.00053
41	Pike Township	0.00000
42	Warren Township	0.00054



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1	Washington Township	0.00092
2	Wayne Township	0.01307
3	Lawrence Civil City	0.00858
4	Beech Grove Civil City	0.00845
5	Southport Civil City	0.00025
6	Speedway City Civil Town	0.00722
7	Indpls/Marion County	0.93442
8	(3) Subject to subdivision (4) , for each year after 1995, calculate	
9	the total amount of revenues that are to be distributed as	
10	distributive shares during that month as follows:	
11	STEP ONE: Determine the total amount of revenues that were	
12	distributed as distributive shares during that month in calendar	
13	year 1995.	
14	STEP TWO: Determine the total amount of revenue that the	
15	department has certified as distributive shares for that month	
16	under section 17 of this chapter for the calendar year.	
17	STEP THREE: Subtract the STEP ONE result from the STEP	
18	TWO result.	
19	STEP FOUR: If the STEP THREE result is less than or equal to	
20	zero (0), multiply the STEP TWO result by the ratio established	
21	under subdivision (1).	
22	STEP FIVE: Determine the ratio of:	
23	(A) the maximum permissible property tax levy under	
24	IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil	
25	taxing unit for the calendar year in which the month falls, plus,	
26	for a county, an amount equal to the property taxes imposed by	
27	the county in 1999 for the county's welfare fund and welfare	
28	administration fund; divided by	
29	(B) the sum of the maximum permissible property tax levies	
30	under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil	
31	taxing units of the county during the calendar year in which	
32	the month falls, and an amount equal to the property taxes	
33	imposed by the county in 1999 for the county's welfare fund	
34	and welfare administration fund.	
35	STEP SIX: If the STEP THREE result is greater than zero (0),	
36	the STEP ONE amount shall be distributed by multiplying the	
37	STEP ONE amount by the ratio established under subdivision	
38	(1).	
39	STEP SEVEN: For each taxing unit determine the STEP FIVE	
40	ratio multiplied by the STEP TWO amount.	
41	STEP EIGHT: For each civil taxing unit determine the difference	
42	between the STEP SEVEN amount minus the product of the	

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STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(4) Subject to subdivision (5), this subdivision applies in any month in which a consolidation under IC 36-3-1-6 is in effect after 2009. For each month to which this subdivision applies, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in 2009.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (2).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

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(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (2).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (2). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(5) This subdivision applies to Washington and Warren Townships. Notwithstanding subdivisions (1) and (3) and subdivisions (2) and (4), a township that entered into an agreement to consolidate its fire services with the city of Indianapolis before January 1, 2008, shall receive the

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1 distributive share for a month determined under the
 2 agreement for the term that the agreement governs the
 3 distribution of distributive shares. The amount by which the
 4 distributive share made to a township under the agreement
 5 exceeds the amount that the township would receive under
 6 subdivisions (1) and (3) or subdivisions (2) and (4) reduces
 7 the distributive share that would otherwise be distributed to
 8 Indianapolis/Marion County.

9 SECTION 8. IC 36-1-11-5.7, AS ADDED BY P.L.188-2007,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2008]: Sec. 5.7. (a) ~~As used in this section, "political~~
 12 ~~subdivision"~~.

13 ~~(1) before July 1, 2008, does not include a township in a county~~
 14 ~~having a consolidated city; and~~

15 ~~(2) after June 30, 2008, refers to all political subdivisions.~~

16 ~~(b)~~ (a) As used in this section, "fire department" refers to any of
 17 the following:

18 (1) A volunteer fire department has the meaning set forth (as
 19 defined in IC 36-8-12-2).

20 (2) The board of fire trustees of a fire protection district
 21 established under IC 36-8-11.

22 (3) The provider unit of a fire protection territory established
 23 under IC 36-8-19.

24 ~~(c)~~ (b) Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of
 25 this chapter, a disposing agent of a political subdivision may sell or
 26 transfer:

27 (1) real property; or

28 (2) tangible or intangible personal property, licenses, or any
 29 interest in the tangible or intangible personal property or licenses;
 30 without consideration or for a nominal consideration to a ~~volunteer~~ fire
 31 department for construction of a fire station or other purposes related
 32 to firefighting.

33 SECTION 9. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
 34 SECTION 560, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2008]: Sec. 6.1. (a) ~~This section applies only in~~
 36 ~~a county containing a consolidated city. If the requirements of~~
 37 ~~subsection (g) are satisfied, The following~~ fire departments of the
 38 ~~following~~ are consolidated into the fire department of a the
 39 consolidated city (referred to as "the consolidated fire department") on
 40 January 1, 2009:

41 (1) The fire department of a township for which the consolidation
 42 is approved by the township legislative body and trustee and the

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legislative body and mayor of the located in the county containing the consolidated city, regardless of whether the fire department is operated by the township or by another political subdivision.

(2) The fire department of any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

(b) If the requirements of subsection (g) are satisfied, After December 31, 2008, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: the county (excluding any excluded city).

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, Except as provided in subsection (n), all of the property, equipment, records, rights, and contracts of the each department consolidated into the fire department of the consolidated city are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. Any funds transferred under this subsection to the consolidated city that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited to the consolidated city's cumulative building and equipment fund for fire protection and related services and shall be used by the consolidated city for funding land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, The employees of the a fire department listed in subsection (a) that is consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the

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consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the indebtedness~~ **All indebtedness, liabilities, claims, and obligations** related to fire protection services incurred before the effective date of the consolidation by ~~the an entity whose fire department is consolidated into the consolidated fire department under subsection (a), or a building, holding, or leasing corporation on behalf of the entity, whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed, defeased, paid, or refunded by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.~~

(f) **Notwithstanding any other law, to assume, defease, pay, or refund all or part of an indebtedness described in subsection (e), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.**

(g) **Notwithstanding subsections (e) and (f), the consolidated city may not assume all or a part of an indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur. Notwithstanding subsection (e), the consolidation of an entity's fire department under subsection (a) does not affect any cause of action pending before July 1, 2008, by or against:**

- (1) an entity whose fire department is consolidated under subsection (a); or
- (2) a building, holding, or leasing corporation on behalf of an entity;

and shall continue by or against the entities listed in subdivisions (1) and (2) as if the consolidation had not taken place.

(h) **The rights of trustees and bondholders with respect to any:**

- (1) **bonds or other indebtedness described in subsection (e); or**

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(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e); remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; (i) The merit board and the merit system of the ~~each~~ fire department that is consolidated ~~into the fire department of the consolidated city~~ are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) (j) The following apply if the requirements of subsection (g) are satisfied: after a fire department listed in subsection (a) is consolidated into the fire department of the consolidated city:

(+) The consolidation of the fire department of that township is

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effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) (2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) (3) For property taxes first due and payable in the **first calendar** year in which **property taxes are first due and payable based on** the consolidation, ~~is effective~~; the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 **for:**

(A) ~~is increased~~ for the consolidated city; by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) ~~is reduced~~ for the township **entity** whose fire department is consolidated into the fire department of the consolidated city under this section; by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

is determined under IC 6-1.1-18.5-22.

(5) (4) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the

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consolidated city for **balance in** the township's cumulative building and equipment fund for fire protection and related services of a township whose fire department is consolidated into the fire department of the consolidated city is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services, as provided in subsection (c).

~~(6)~~ (5) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township an entity whose fire department is consolidated into the fire department of the consolidated city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ (6) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within or that directly benefit the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special

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1 service district. Property taxes to fund the pension obligation for
 2 members of the 1937 firefighters fund who were not members of
 3 the fire department of the consolidated city on the effective date of
 4 the consolidation and members of the 1977 police officers' and
 5 firefighters' pension and disability fund who were not members of
 6 the fire department of the consolidated city on the effective date of
 7 the consolidation may be levied by the consolidated city within the
 8 city's maximum permissible ad valorem property tax levy.
 9 However, these taxes may be levied only within the fire special
 10 service district and any townships that have consolidated fire
 11 departments under this section.

12 (8) The executive of the consolidated city shall provide for an
 13 independent evaluation and performance audit, due before March
 14 1 of the year in which the consolidation is effective and before
 15 March 1 in each of the following two (2) years, to determine:

16 (A) the amount of any cost savings, operational efficiencies, or
 17 improved service levels; and

18 (B) any tax shifts among taxpayers;

19 that result from the consolidation. The independent evaluation and
 20 performance audit must be provided to the legislative council in an
 21 electronic format under IC 5-14-6 and to the state budget
 22 committee.

23 (k) For a township that consolidated its fire department into the
 24 fire department of the consolidated city before July 1, 2008, this
 25 section and IC 6-3.5-6-18.5 apply to the consolidation to the extent
 26 this section and IC 6-3.5-6-18.5 do not conflict with:

27 (1) the consolidation ordinances adopted by the consolidated
 28 city and the township; or

29 (2) any consolidation agreement between the consolidated city
 30 and the township.

31 (l) Before January 1, 2009, the consolidated fire department shall
 32 develop a strategic plan to determine resource requirements and
 33 resource deployments for the consolidated fire department. The
 34 consolidated fire department shall determine the resource
 35 requirements and resource deployments based on the risk
 36 assessment models promulgated by the Center for Public Safety
 37 Excellence, Inc., or a successor entity. The consolidated fire
 38 department must:

39 (1) update the strategic plan at least once every three (3) years;
 40 and

41 (2) annually report to the legislative body of the consolidated
 42 city concerning the implementation of the strategic plan.

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(m) An employee of a fire department listed in subsection (a) who becomes an employee of the consolidated fire department under subsection (d), becomes an employee of the consolidated fire department at the merit or permanent rank that the individual held with the fire department listed in subsection (a) on the last day that the individual was employed by that department, if the individual held the merit or permanent rank of captain or below.

(n) This subsection applies to any real property owned by the township on the effective date of the consolidation that is used by the township for both civil government purposes and fire protection and related services. Real property subject to this subsection remains the property of the township after December 31, 2008. However, the consolidated city may use the real property for providing fire protection and related services under an agreement for joint use of the real property by the consolidated city and the township. A joint use agreement shall contain reasonable terms regarding the sharing of maintenance and operating costs.

(o) Notwithstanding any other law, an employee of a fire department listed under subsection (a) who becomes an employee of the consolidated city on the effective date of the consolidation is not required to reside within the consolidated city, the county having a consolidated city, or a contiguous county if the member did not reside within these units on the effective date of the consolidation.

SECTION 10. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement under IC 36-1-7.

SECTION 11. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.4. (a) **The executive of the consolidated city shall establish a professional standards board with responsibility after December 31, 2008, for establishing, validating, and maintaining**

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1 emergency responder certification and credentialing requirements
 2 and procedures. The emergency responder certification and
 3 credentialing requirements and procedures must be in accordance
 4 with the National Incident Management System and appropriate
 5 national professional standards and certification organizations and
 6 boards.

7 (b) The professional standards board shall before January 1,
 8 2009, establish the following for each emergency responder
 9 position within the consolidated fire department:

10 (1) Minimum initial certification and credentialing
 11 requirements.

12 (2) Experience and competency requirements.

13 (3) Continuing education requirements.

14 (4) Performance criteria.

15 (5) Recertification requirements.

16 (c) After December 31, 2008, a subcommittee of the professional
 17 standards board, under the direction of a board certified
 18 emergency physician, is responsible for certification and
 19 credentialing of emergency medical responders.

20 SECTION 12. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2008]: Sec. 6. Notwithstanding any other law, the consolidated
 23 city may issue obligations to refund obligations issued before the
 24 effective date of a consolidation under IC 36-3-1-6.1 in the name of:

25 (1) a township;

26 (2) a fire protection territory; or

27 (3) a building, holding, or leasing corporation on behalf of a
 28 township or a fire protection territory;

29 to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and
 30 IC 36-3-1-6.1(g).

31 SECTION 13. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2008]:

34 **Chapter 1.1. Transfer of Township Services**

35 **Sec. 1. This chapter applies only to a county having a**
 36 **consolidated city.**

37 **Sec. 2. The functions, duties, and responsibilities of the township**
 38 **trustee and township board with respect to providing fire**
 39 **protection and related services are transferred to the county on**
 40 **January 1, 2009.**

41 **Sec. 3. The balance on January 1, 2009, in a debt service fund of**
 42 **a township that relates to debt incurred for firefighting purposes:**

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(1) is transferred to the county in which the township is located; and

(2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 4. (a) The balance on January 1, 2009, in a township's firefighting fund:

(1) is transferred to the consolidated city; and

(2) shall be deposited in the general fund of the consolidated city.

(b) The department of local government finance shall determine the amounts to be transferred under this section.

(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

Sec. 5. The maximum permissible ad valorem property tax levy of the township, the consolidated city, and the county are adjusted under IC 6-1.1-18.5-22 to reflect the transfers under this chapter.

Sec. 6. After June 30, 2008, a township may not purchase, lease, sell, convey, exchange, transfer, mortgage, or otherwise dispose of or encumber property used for fire protection or related services or any interest in property, land, machinery, or equipment used for fire protection or related services without the consent of the director of the department of public safety of the consolidated city.

Sec. 7. After June 30, 2008, a township may not enter into a contract for services related to the provision of fire protection and related services if the term of the contract extends after December 31, 2008.

SECTION 14. IC 36-6-4-3, AS AMENDED BY P.L.1-2006, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. The executive shall do the following:

(1) Keep a written record of official proceedings.

(2) Manage all township property interests.

(3) Keep township records open for public inspection.

(4) Attend all meetings of the township legislative body.

(5) Receive and pay out township funds.

(6) Examine and settle all accounts and demands chargeable against the township.

(7) Administer township assistance under IC 12-20 and IC 12-30-4.

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- 1 (8) Perform the duties of fence viewer under IC 32-26.
 2 (9) Act as township assessor when required by IC 36-6-5.
 3 (10) Provide and maintain cemeteries under IC 23-14.
 4 (11) Provide fire protection under IC 36-8, except in a township:
 5 ~~that:~~
 6 (A) **that** is located in a county having a consolidated city; and
 7 (B) **whose fire department is** consolidated ~~the township's fire~~
 8 ~~department~~ under IC 36-3-1-6.1.
 9 (12) File an annual personnel report under IC 5-11-13.
 10 (13) Provide and maintain township parks and community centers
 11 under IC 36-10.
 12 (14) Destroy detrimental plants, noxious weeds, and rank
 13 vegetation under IC 15-3-4.
 14 (15) Provide insulin to the poor under IC 12-20-16.
 15 (16) Perform other duties prescribed by statute.

16 SECTION 15. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The executive may use the
 18 township's share of state, county, and township tax revenues and
 19 federal revenue sharing funds for all categories of community services,
 20 if these funds are appropriated for these services by the township
 21 legislative body. The executive may use these funds for both operating
 22 and capital expenditures.

23 (b) With the consent of the township legislative body, the executive
 24 may contract with corporations for health and community services not
 25 specifically provided by another governmental entity.

26 (c) **Except in a township that is located in a county having a**
 27 **consolidated city and whose fire department has been consolidated**
 28 **under IC 36-3-1-6.1**, the executive may contract with a private person
 29 to provide regular or emergency ambulance service within the
 30 township. The contract may provide for the imposition and collection
 31 of fees for this service.

32 (d) **Except in a township that is located in a county having a**
 33 **consolidated city and whose fire department has been consolidated**
 34 **under IC 36-3-1-6.1**, the township legislative body may adopt a
 35 resolution to provide for the imposition and collection of fees for
 36 ambulance services provided by the township police or fire department.

37 SECTION 16. IC 36-8-8-2.1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. (a) As used in this
 39 chapter, "local board" means the following:

- 40 (1) For a unit that established a 1925 fund for its police officers,
 41 the local board described in IC 36-8-6-2.
 42 (2) **Except as provided in subdivision (3)**, for a unit that

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established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:

(A) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(B) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 17. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member

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of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;

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(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction; shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

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(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
 (3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);
 is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;
 (2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and
 (3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;
 is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;
 (2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and
 (3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;
 the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

~~(2)~~ (B) disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation;
and

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).

SECTION 18. IC 36-8-19-8, AS AMENDED BY P.L.47-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 8. (a) Upon the adoption of identical ordinances or resolutions, or both, by the participating units under section 6 of this chapter, the designated provider unit must establish a fire protection territory fund from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred within the territory shall be paid. The purposes described in this subsection are the sole purposes of the fund, and money in the fund may not be used for any other expenses. Except as allowed in subsections (d) and (e) and section 8.5 of this chapter, the provider unit is not authorized to transfer money out of the fund at any time.

(b) The fund consists of the following:

(1) All receipts from the tax imposed under this section.

(2) Any money transferred to the fund by the provider unit as authorized under subsection (d).

(3) Any receipts from a false alarm fee or service charge imposed by the participating units under IC 36-8-13-4.

(4) Any money transferred to the fund by a participating unit under section 8.6 of this chapter.

(c) The provider unit, with the assistance of each of the other participating units, shall annually budget the necessary money to meet the expenses of operation and maintenance of the fire protection services within the territory, plus a reasonable operating balance, not to exceed twenty percent (20%) of the budgeted expenses. After estimating expenses and receipts of money, the provider unit shall establish the tax levy required to fund the estimated budget. The amount budgeted under this subsection shall be considered a part of each of the participating unit's budget.

(d) If the amount levied in a particular year is insufficient to cover the costs incurred in providing fire protection services within the territory, the provider unit may transfer from available sources to the fire protection territory fund the money needed to cover those costs. In this case:

(1) the levy in the following year shall be increased by the amount required to be transferred; and

(2) the provider unit is entitled to transfer the amount described in subdivision (1) from the fund as reimbursement to the provider unit.

(e) If the amount levied in a particular year exceeds the amount necessary to cover the costs incurred in providing fire protection services within the territory, the levy in the following year shall be

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reduced by the amount of surplus money that is not transferred to the equipment replacement fund established under section 8.5 of this chapter. The amount that may be transferred to the equipment replacement fund may not exceed five percent (5%) of the levy for that fund for that year. Each participating unit must agree to the amount to be transferred by adopting an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) that specifies an identical amount to be transferred.

(f) The tax under this section is not subject to the tax levy limitations imposed on civil taxing units under IC 6-1.1-18.5 for any unit that is a participating unit in a fire protection territory that was established before August 1, 2001.

(g) This subsection applies to a participating unit in a fire protection territory established under IC 36-8-19 after July 31, 2001. For purposes of calculating a participating unit's maximum permissible ad valorem property tax levy for the three (3) calendar years in which the participating unit levies a tax to support the territory, the unit's maximum permissible ad valorem property tax levy for the preceding calendar year under IC 6-1.1-18.5-3(a) STEP ONE or IC 6-1.1-18.5-3(b) STEP ONE is increased each year by an amount equal to the difference between the:

(1) amount the unit will have to levy for the ensuing calendar year in order to fund the unit's share of the fire protection territory budget for the operating costs as provided in the ordinance or resolution making the unit a participating unit in the fire protection territory; and

(2) unit's levy for fire protection services for the calendar year that immediately precedes the ensuing calendar year in which the participating unit levies a tax to support the territory.

SECTION 19. IC 36-8-19-8.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 8.6. (a) A participating unit may adopt an ordinance or a resolution to transfer any money belonging to the participating unit to:**

(1) the fire protection territory fund established under section 8 of this chapter;

(2) the fire protection territory equipment replacement fund established under section 8.5 of this chapter; or

(3) both funds described in subdivisions (1) and (2).

(b) An ordinance or a resolution adopted under this section must state both of the following:

(1) The amount of money transferred to either fund.

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1 **(2) The source of the money.**

2 **(d) The transfer of money from a participating unit to a fire**
 3 **protection territory before July 1, 2008, is legalized.**

4 SECTION 20. IC 36-8-19-15 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2008]: **Sec. 15. (a) For purposes of this section, a fire protection**
 7 **territory is dissolved if all participating units withdraw from the**
 8 **fire protection territory as provided in section 13 of this chapter.**

9 **(b) When a fire protection territory dissolves, title to any real**
 10 **property transferred to the provider unit reverts to the**
 11 **participating unit that transferred the real property to the**
 12 **provider unit.**

13 SECTION 21. [EFFECTIVE UPON PASSAGE] **IC 5-10-5.5-9 and**
 14 **IC 5-10-5.5-10, both as amended by this act, and IC 5-10-5.5-22, as**
 15 **added by this act, apply only to a participant in the state excise**
 16 **police, gaming agent, and conservation enforcement officers'**
 17 **retirement fund who is in active service after June 30, 2008.**

18 SECTION 22. [EFFECTIVE JULY 1, 2008] **The general assembly**
 19 **finds the following:**

20 **(1) A consolidated city faces unique budget challenges due to**
 21 **a high demand for services combined with the large number of**
 22 **tax exempt properties located in a consolidated city as the seat**
 23 **of state government, home to several institutions of higher**
 24 **education, and home to numerous national, state, and regional**
 25 **nonprofit corporations.**

26 **(2) By virtue of its size and population density, a consolidated**
 27 **city has unique overlapping territories of county, city, and**
 28 **township government and an absence of unincorporated areas**
 29 **within its county.**

30 **(3) By virtue of its size, population, and absence of**
 31 **unincorporated areas, development extends to and across the**
 32 **boundaries of the contiguous governmental territories located**
 33 **within a county having a consolidated city, thus giving less**
 34 **meaning to boundaries of the governmental territories located**
 35 **within the county.**

36 **(4) By virtue of its size, population, absence of unincorporated**
 37 **areas, overlapping territories, and development to and across**
 38 **the boundaries of contiguous governmental territories, there**
 39 **is less need for differentiation of local governmental services**
 40 **within the separate governmental territories located within a**
 41 **county having a consolidated city, but rather the local**
 42 **governmental service needs are similar and more uniform**

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1 within and across a county having a consolidated city.

2 (5) The provision of local governmental services by multiple
3 governmental entities with overlapping territories, and by
4 governmental entities with contiguous territories with less
5 meaningful boundaries, results in disparate levels of local
6 governmental services within a county having a consolidated
7 city and results in the inefficient and poor use of taxpayer
8 dollars.

9 (6) As the state capital and a center for professional sporting
10 events, tourism, and culture in central Indiana, the
11 consolidated city faces unique demands for protecting
12 governmental property and securing the safety of large
13 numbers of residents and visitors, which require innovative
14 approaches to public safety resources.

15 (7) Substantial operational efficiencies, reduction of
16 administrative costs, and economies of scale may be obtained
17 in a consolidated city through consolidation of city and
18 township fire protection and related services and operations.

19 (8) Consolidation of city and township fire protection and
20 related services and operations in the consolidated city will
21 serve the public purpose by allowing the consolidated city to:

22 (A) eliminate duplicative services;

23 (B) provide better coordinated and more uniform delivery of
24 fire protection and related services;

25 (C) provide more unified tax rates; and

26 (D) allow fire protection and related services to be provided
27 more efficiently and at a lower cost than without
28 consolidation.

29 (9) Efficient and fiscally responsible operation of local
30 government benefits the health and welfare of the citizens of a
31 consolidated city and is of public utility and benefit.

32 (10) The public purpose of this act is to provide a consolidated
33 city with the means to provide fire protection and related
34 services for its citizens in an effective, efficient, and fiscally
35 responsible manner.

36 SECTION 23. [EFFECTIVE JULY 1, 2008] (a) The legislative
37 services agency shall prepare legislation for introduction in the
38 2009 regular session of the general assembly to organize and
39 correct statutes affected by this act, if necessary.

40 (b) This SECTION expires July 1, 2009.

41 SECTION 24. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1105, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.230-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.
- (3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.
- (4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.
- (5) Minimum qualifications for instructors at approved law enforcement training schools.
- (6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.
- (7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.
- (8) Minimum basic training requirements which law enforcement

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officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

- (A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).
- (B) Identification of human and sexual trafficking.
- (C) Communicating with traumatized persons.
- (D) Therapeutically appropriate investigative techniques.
- (E) Collaboration with federal law enforcement officials.
- (F) Rights of and protections afforded to victims.
- (G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.
- (H) The availability of community resources to assist human and sexual trafficking victims.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6,

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1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (q), and (r), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:
 - (A) attorney; or
 - (B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-2-1-15(i).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used

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for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking. The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

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(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

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(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) worked as a full-time law enforcement officer for at least one (1) year before the officer is hired under subdivision (1);
- (3) has not been employed as a law enforcement officer for at least two (2) years and less than ~~six (6)~~ **ten (10)** years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and
- (4) completed **at any time** a basic training course certified by the board before the officer is hired under subdivision (1).

(o) An officer to whom subsection (n) applies must successfully complete the refresher course described in subsection (n) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(p) A law enforcement officer who:

- (1) has completed a basic training course certified by the board; **and**
- (2) has not been employed as a law enforcement officer in the ~~six (6)~~ **ten (10)** years before the officer is hired as a law enforcement officer; **and**
- (3) **has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1);**

is not eligible to attend the refresher course described in subsection (n) and must repeat the full basic training course to regain law enforcement powers. **However, a law enforcement officer who worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1), and who otherwise satisfies the requirement of subsection (n), is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) and the pre-basic training course established under subsection (f).**

(q) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course

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established in subsection (f); and

(2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(r) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

(1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and

(2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

SECTION 2. IC 5-10-5.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. **(a) This section does not apply after June 30, 2008, to a participant who is an Indiana state conservation enforcement officer.**

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; **(c)**, every participant is required to retire on the first day of the month following the participant's sixtieth birthday.

~~(b)~~ **(c)** An officer who becomes a participant after becoming fifty (50) years of age is required to retire on the earlier of:

(1) the first day of the month following the participant's sixty-fifth birthday; or

(2) the first day of the month following the completion of ten (10) years of service.

SECTION 3. IC 5-10-5.5-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9.5. **(a) This section applies after June 30, 2008, to a participant who is an Indiana state conservation enforcement officer.**

(b) A participant is required to retire on the first day of the month after the month in which the participant becomes sixty-five (65) years of age.

SECTION 4. IC 5-10-5.5-12, AS AMENDED BY P.L.180-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) The amount of annual retirement allowance payable in equal monthly installments to a participant who retires under section 11(a) of this chapter (relating to early retirement) shall be determined in accordance with section ~~10(a)~~ 10 of this chapter (relating to normal retirement). ~~However, For a participant who is not an Indiana state conservation enforcement officer,~~ the amount of

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annual retirement allowance otherwise payable upon early retirement shall be reduced by one-quarter percent (1/4%) for each full month that the date of early retirement precedes the attainment of the participant's sixtieth birthday. **For a participant who is an Indiana state conservation enforcement officer, the amount of annual retirement allowance otherwise payable upon early retirement shall be reduced by one-quarter percent (1/4%) for each full month that the date of early retirement precedes the attainment of the participant's sixty-fifth birthday.**

(b) The amount of annual retirement allowance payable in equal monthly installments to a participant who retires under section 11(b) or 11(c) of this chapter (relating to early retirement) shall be determined in accordance with section ~~10(a)~~ 10 of this chapter (relating to normal retirement).".

Page 4, line 29, after "(a)" insert **"As used in this section, "fund" refers to the fire protection territory fund established under section 8 of this chapter.**

(b)".

Page 4, line 32, delete "(b)" and insert "(c)".

Page 4, line 36, delete "(c)" and insert "(d)".

Page 5, after line 4, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE JULY 1, 2008] IC 5-10-5.5-9 and IC 5-10-5.5-12, both as amended by this act, and IC 5-10-5.5-9.5, as added by this act, apply only to a participant in the state excise police, gaming agent, and conservation enforcement officers' retirement fund who:

(1) is a conservation enforcement officer; and

(2) retires after June 30, 2008."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1105 as introduced.)

TINCHER, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1105 be amended to read as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 10 with "[EFFECTIVE UPON PASSAGE]".

Page 7, line 30, delete "(a) This section".

Page 7, delete lines 31 through 32.

Page 7, line 33, reset in roman "(a)".

Page 7, line 33, after "(a)" delete "(b)".

Page 7, line 33, after "(b)," delete "(c)".

Page 7, line 33, after "subsection" reset in roman "(b)".

Page 7, line 35, strike "sixtieth" and insert "**sixty-fifth**".

Page 7, line 36, reset in roman "(b)".

Page 7, line 36, delete "(c)".

Page 7, line 40, strike "ten (10)" and insert "**fifteen (15)**".

Page 7, between lines 41 and 42, begin a new paragraph and insert:
"SECTION 3. IC 5-10-5.5-10, AS AMENDED BY P.L.180-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Benefits provided under this section are subject to section 2.5 of this chapter.

(b) The annual retirement allowance of a participant, payable in equal monthly installments beginning on the participant's normal retirement date, shall be a percentage of the participant's average annual salary, such percentage to be twenty-five percent (25%) increased by one and two-thirds percent (1 2/3%) of the participant's average annual salary for each completed year of creditable service more than ten (10) years. **However, the annual retirement allowance computed under this subsection may not exceed seventy-five percent (75%) of the participant's average annual salary.**

(c) The annual retirement allowance shall cease with the last monthly payment prior to the death of the participant.

SECTION 4. IC 5-10-5.5-22 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) As used in this section, "DROP" refers to a deferred retirement option plan established under this section.**

(b) As used in this section, "DROP entry date" means the date that a participant's election to enter a DROP becomes effective.

(c) As used in this section, "DROP frozen benefit" refers to an annual retirement allowance computed under section 10 of this

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chapter based on a participant's:

- (1) average annual salary; and
- (2) years of creditable service;

on the date the participant enters the DROP.

(d) As used in this section, "DROP retirement date" means the future retirement date selected by a participant at the time the participant elects to enter the DROP.

(e) Only a participant who is eligible to receive an unreduced annual retirement allowance immediately upon termination of employment may elect to enter a DROP. A participant who elects to enter the DROP must agree to the following:

- (1) The participant shall execute an irrevocable election to retire on the DROP retirement date and must remain in active service until that date.
- (2) While in the DROP, the participant shall continue to make contributions under section 8 of this chapter.
- (3) The participant shall select a DROP retirement date not less than twelve (12) months and not more than thirty-six (36) months after the participant's DROP entry date.
- (4) The participant may not remain in the DROP after the date the participant reaches the mandatory retirement age under section 9 of this chapter.
- (5) The participant may make an election to enter the DROP only once in the participant's lifetime.

(f) Contributions or payments provided by the general assembly under section 4(b)(4) of this chapter continue for a participant while the participant is in the DROP.

(g) A participant shall exit the DROP on the earliest of the following:

- (1) The participant's DROP retirement date.
- (2) Thirty-six (36) months after the participant's DROP entry date.
- (3) The participant's mandatory retirement age.
- (4) The date the participant retires because of a disability as provided by subsection (k).

(h) A participant who retires on the participant's DROP retirement date or on the date the participant retires because of a disability as provided by subsection (k) may elect to receive an annual retirement allowance:

- (1) computed under section 10 of this chapter as if the participant had never entered the DROP; or
- (2) consisting of:

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- (A) the DROP frozen benefit; plus
- (B) an additional amount, paid as the participant elects under subsection (i), determined by multiplying:
 - (i) the DROP frozen benefit; by
 - (ii) the number of months the participant was in the DROP.

(i) The participant shall elect, at the participant's retirement, to receive the additional amount calculated under subsection (h)(2)(B) in one (1) of the following ways:

- (1) A lump sum paid on:
 - (A) the participant's DROP retirement date; or
 - (B) the date the participant retires because of a disability as provided by subsection (k).
- (2) Three (3) equal annual payments:
 - (A) commencing on:
 - (i) the participant's DROP retirement date; or
 - (ii) the date the participant retires because of a disability as provided by subsection (k); and
 - (B) thereafter paid on:
 - (i) the anniversary of the participant's DROP retirement date; or
 - (ii) the date the participant retires because of a disability as provided by subsection (k).

(j) A cost of living increase determined under section 21(c) of this chapter does not apply to the additional amount calculated under subsection (h)(2)(B) at the participant's DROP retirement date or the date the participant retires because of a disability as provided by subsection (k). No cost of living increase is applied to a DROP frozen benefit while the participant is in the DROP. After the participant's DROP retirement date or the date the participant retires because of a disability as provided by subsection (k), cost of living increases determined under section 21(c) of this chapter apply to the participant's annual retirement allowance computed under this section.

(k) If a participant becomes disabled, in the line of duty or other than in the line of duty while in the DROP, the participant's annual retirement allowance is computed as follows:

- (1) If the participant retires because of a disability less than twelve (12) months after the date the participant enters the DROP, the participant's annual retirement allowance is calculated as if the participant had never entered the DROP.
- (2) If the participant retires because of a disability at least

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twelve (12) months after the date the participant enters the DROP, the participant's annual retirement allowance is calculated under this section, and the participant's retirement date is the date the member retires because of a disability rather than the participant's DROP retirement date.

(l) If, before payment of the participant's annual retirement allowance begins, the participant dies in the line of duty or other than in the line of duty, death benefits are payable as follows:

(1) The benefit calculated under subsection (h)(2)(B) is paid in a lump sum to the participant's surviving spouse. If there is no surviving spouse, the lump sum must be divided equally among the participant's surviving children. If there are no surviving children, the lump sum is paid to the participant's parents. If there are no surviving parents, the lump sum is paid to the participant's estate.

(2) A benefit is paid on the DROP frozen benefit under the terms of the retirement plan created by this chapter.

(m) Except as provided under subsections (k) and (l), the annual retirement allowance for a participant who exits the DROP for any reason other than retirement on the participant's DROP retirement date is calculated as if the participant had never entered the DROP."

Page 7, delete line 42.

Page 8, delete lines 1 through 29.

Page 12, line 13, delete "IC 5-10-5.5-12," and insert "**IC 5-10-5.5-10**,".

Page 12, line 13, delete "IC 5-10-5.5-9.5," and insert "**IC 5-10-5.5-22**,".

Page 12, line 16, delete ":".

Page 12, delete line 17.

Page 12, line 18, delete "(2) retires" and insert "**is in active service**".

Page 12, run in lines 16 through 18.

Page 12, after line 18, begin a new paragraph and insert:

"SECTION 11. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1105 as printed January 22, 2008.)

TINCHER

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1105 be amended to read as follows:

Page 11, line 33, delete "As used in this section, "fund" refers to the".

Page 11, delete lines 34 through 35.

Page 11, line 36, delete "(b)".

Page 11, run in lines 33 through 36.

Page 11, line 37, after "unit" delete "to the" and insert "**to:**

(1) the fire protection territory fund established under section 8 of this chapter;

(2) the fire protection territory equipment replacement fund established under section 8.5 of this chapter; or

(3) both funds described in subdivisions (1) and (2)."

Page 11, delete line 38.

Page 11, line 39, delete "(c)" and insert "**(b)**".

Page 11, line 41, after "to" delete "the" and insert "**either**".

(Reference is to HB 1105 as printed January 22, 2008.)

TINCHER

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1105 as printed January 30, 2008.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1105 be amended to read as follows:

Page 11, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 6. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2008]: Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1.

(b) For purposes of this section:

(1) "consolidating entity" means:

(A) an included town under IC 36-3-1-7; or

(B) a:

(i) township; or

(ii) fire protection territory;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

(c) The maximum levy of a consolidated city for property taxes first due and payable in 2009, 2010, and 2011 is the sum of:

(1) the maximum levy of the consolidated city for property taxes first due and payable in 2009 determined without regard to this section; plus

(2) the amount equal to the combined property tax levies of each consolidating entity for property taxes first due and payable in 2008 for fire protection and related services.

(d) The maximum levy for property taxes first due and payable in 2009 is reduced for each consolidating entity other than a township by the amount equal to the property tax levy of the consolidating entity for taxes first due and payable in 2008 for any services and operations for which responsibility is transferred to the consolidated city in 2009.

(e) The maximum levy of a consolidating entity that is a township for the township's firefighting fund for property taxes first due and payable after 2008 is zero (0).

(f) For purposes of determining the maximum levy for property taxes first due and payable in 2012 for an entity for which the maximum levy determined under this section for property taxes first due and payable in 2011 is greater than zero (0), the maximum levy to be used in:

(1) STEP ONE of section 3(a) of this chapter; or

(2) STEP ONE of section 3(b) of this chapter;

is the maximum levy determined under this section for the entity for property taxes first due and payable in 2011.

SECTION 7. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005,

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SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

and subject to subdivisions (4) and (5), after December 31, 2008, in any month calculate the total amount of revenues that are to be

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distributed as distributive shares during that month multiplied by the following factor:

Center Township	0.02510
Decatur Township	0.00012
Franklin Township	0.00032
Lawrence Township	0.00048
Perry Township	0.00053
Pike Township	0.00000
Warren Township	0.00054
Washington Township	0.00092
Wayne Township	0.01307
Lawrence Civil City	0.00858
Beech Grove Civil City	0.00845
Southport Civil City	0.00025
Speedway City Civil Town	0.00722
Indpls/Marion County	0.93442

(3) **Subject to subdivision (4)**, for each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund

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and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(4) Subject to subdivision (5), this subdivision applies in any month in which a consolidation under IC 36-3-1-6 is in effect after 2009. For each month to which this subdivision applies, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in 2009.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or

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equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (2).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (2).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (2). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the

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calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(5) This subdivision applies to Washington and Warren Townships. Notwithstanding subdivisions (1) and (3) and subdivisions (2) and (4), a township that entered into an agreement to consolidate its fire services with the city of Indianapolis before January 1, 2008, shall receive the distributive share for a month determined under the agreement for the term that the agreement governs the distribution of distributive shares. The amount by which the distributive share made to a township under the agreement exceeds the amount that the township would receive under subdivisions (1) and (3) or subdivisions (2) and (4) reduces the distributive share that would otherwise be distributed to Indianapolis/Marion County."

Page 12, between lines 13 and 14, begin a new paragraph and insert:
 "SECTION 9. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied,~~ The following fire departments of the following are consolidated into the fire department of a the consolidated city (referred to as "the consolidated fire department") on January 1, 2009:

- (1) ~~The fire department of a township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in the county containing the consolidated city, regardless of whether the fire department is operated by the township or by another political subdivision.~~
- (2) ~~The fire department of any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).~~
- (b) ~~If the requirements of subsection (g) are satisfied,~~ After December 31, 2008, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: the county (excluding any excluded city).

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(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city; **Except as provided in subsection (n),** all of the property, equipment, records, rights, and contracts of ~~the~~ **each** department consolidated into the fire department of the consolidated city are:

- (1) transferred to; or
- (2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. **Any funds transferred under this subsection to the consolidated city that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited to the consolidated city's cumulative building and equipment fund for fire protection and related services and shall be used by the consolidated city for funding land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.**

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city; The employees of ~~the~~ **a** fire department **listed in subsection (a) that is** consolidated into the fire department of the consolidated city cease employment with the department of ~~the entity~~ listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, ~~the indebtedness~~ **All indebtedness, liabilities, claims, and obligations** related to fire protection services incurred before the effective date of the consolidation by ~~the~~ **an entity whose fire department is consolidated into the consolidated fire department under subsection (a),** or a building, holding, or leasing corporation on behalf of the entity, ~~whose~~

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fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed, **defeased, paid, or refunded** by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) Notwithstanding any other law, to assume, defease, pay, or refund all or part of an indebtedness described in subsection (e), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(g) Notwithstanding subsections (e) and (f), the consolidated city may not assume all or a part of an indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur. Notwithstanding subsection (e), the consolidation of an entity's fire department under subsection (a) does not affect any cause of action pending before July 1, 2008, by or against:

- (1) an entity whose fire department is consolidated under subsection (a); or**
- (2) a building, holding, or leasing corporation on behalf of an entity;**

and shall continue by or against the entities listed in subdivisions (1) and (2) as if the consolidation had not taken place.

- (h) The rights of trustees and bondholders with respect to any:**
- (1) bonds or other indebtedness described in subsection (e); or**
 - (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e);**

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, (i) The merit board and the merit system of the each fire department that is consolidated into the fire department of the consolidated city are dissolved on the effective date of the consolidation, and the duties of the merit board are

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transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) (j) The following apply if the requirements of subsection (g) are satisfied: **after a fire department listed in subsection (a) is consolidated into the fire department of the consolidated city:**

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) (2) Notwithstanding any other provision, a firefighter:

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(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ **(3)** For property taxes first due and payable in the **first calendar** year in which **property taxes are first due and payable based on** the consolidation, ~~is effective~~; the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 **for:**

(A) ~~is increased~~ for the consolidated city; by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) ~~is reduced~~ for the township **entity** whose fire department is consolidated into the fire department of the consolidated city under this section; by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township:

is determined under IC 6-1.1-18.5-22.

~~(5)~~ **(4)** The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city **for balance in the township's cumulative building and equipment fund for fire protection and related services of a township whose fire department is consolidated into the fire department of the consolidated city** is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services; which is hereby established: The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services: **as provided in subsection (c).**

~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township **an entity whose fire department is**

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consolidated into the fire department of the consolidated city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the **consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department** to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before

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March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(k) For a township that consolidated its fire department into the fire department of the consolidated city before July 1, 2008, this section and IC 6-3.5-6-18.5 apply to the consolidation to the extent this section and IC 6-3.5-6-18.5 do not conflict with:

(1) the consolidation ordinances adopted by the consolidated city and the township; or

(2) any consolidation agreement between the consolidated city and the township.

(l) Before January 1, 2009, the consolidated fire department shall develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. The consolidated fire department shall determine the resource requirements and resource deployments based on the risk assessment models promulgated by the Center for Public Safety Excellence, Inc., or a successor entity. The consolidated fire department must:

(1) update the strategic plan at least once every three (3) years; and

(2) annually report to the legislative body of the consolidated city concerning the implementation of the strategic plan.

(m) An employee of a fire department listed in subsection (a) who becomes an employee of the consolidated fire department under subsection (d), becomes an employee of the consolidated fire department at the merit or permanent rank that the individual held with the fire department listed in subsection (a) on the last day that the individual was employed by that department, if the individual held the merit or permanent rank of captain or below.

(n) This subsection applies to any real property owned by the township on the effective date of the consolidation that is used by the township for both civil government purposes and fire protection and related services. Real property subject to this subsection remains the property of the township after December 31, 2008. However, the consolidated city may use the real property for providing fire protection and related services under an

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agreement for joint use of the real property by the consolidated city and the township. A joint use agreement shall contain reasonable terms regarding the sharing of maintenance and operating costs.

(o) Notwithstanding any other law, an employee of a fire department listed under subsection (a) who becomes an employee of the consolidated city on the effective date of the consolidation is not required to reside within the consolidated city, the county having a consolidated city, or a contiguous county if the member did not reside within these units on the effective date of the consolidation.

SECTION 10. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement under IC 36-1-7.

SECTION 11. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.4. (a) **The executive of the consolidated city shall establish a professional standards board with responsibility after December 31, 2008, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. The emergency responder certification and credentialing requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards.**

(b) **The professional standards board shall before January 1, 2009, establish the following for each emergency responder position within the consolidated fire department:**

- (1) Minimum initial certification and credentialing requirements.**
- (2) Experience and competency requirements.**
- (3) Continuing education requirements.**
- (4) Performance criteria.**

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(5) Recertification requirements.

(c) After December 31, 2008, a subcommittee of the professional standards board, under the direction of a board certified emergency physician, is responsible for certification and credentialing of emergency medical responders.

SECTION 12. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1 in the name of:

- (1) a township;**
- (2) a fire protection territory; or**
- (3) a building, holding, or leasing corporation on behalf of a township or a fire protection territory;**

to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g).

SECTION 13. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 1.1. Transfer of Township Services

Sec. 1. This chapter applies only to a county having a consolidated city.

Sec. 2. The functions, duties, and responsibilities of the township trustee and township board with respect to providing fire protection and related services are transferred to the county on January 1, 2009.

Sec. 3. The balance on January 1, 2009, in a debt service fund of a township that relates to debt incurred for firefighting purposes:

- (1) is transferred to the county in which the township is located; and**
- (2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.**

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 4. (a) The balance on January 1, 2009, in a township's firefighting fund:

- (1) is transferred to the consolidated city; and**
- (2) shall be deposited in the general fund of the consolidated city.**

(b) The department of local government finance shall determine the amounts to be transferred under this section.

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(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

Sec. 5. The maximum permissible ad valorem property tax levy of the township, the consolidated city, and the county are adjusted under IC 6-1.1-18.5-22 to reflect the transfers under this chapter.

Sec. 6. After June 30, 2008, a township may not purchase, lease, sell, convey, exchange, transfer, mortgage, or otherwise dispose of or encumber property used for fire protection or related services or any interest in property, land, machinery, or equipment used for fire protection or related services without the consent of the director of the department of public safety of the consolidated city.

Sec. 7. After June 30, 2008, a township may not enter into a contract for services related to the provision of fire protection and related services if the term of the contract extends after December 31, 2008.

SECTION 14. IC 36-6-4-3, AS AMENDED BY P.L.1-2006, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- (9) Act as township assessor when required by IC 36-6-5.
- (10) Provide and maintain cemeteries under IC 23-14.
- (11) Provide fire protection under IC 36-8, except in a township: ~~that:~~
 - (A) ~~that~~ is located in a county having a consolidated city; and
 - (B) **whose fire department is consolidated the township's fire department** under IC 36-3-1-6.1.
- (12) File an annual personnel report under IC 5-11-13.
- (13) Provide and maintain township parks and community centers under IC 36-10.
- (14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.
- (15) Provide insulin to the poor under IC 12-20-16.

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(16) Perform other duties prescribed by statute.

SECTION 15. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1,** the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1,** the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 16. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:

(A) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(B) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its

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firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 17. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is

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entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;

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(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the

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consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;
is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

- (1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;
- (2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and
- (3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

- (1) ~~(A)~~ retired for purposes of section 10 of this chapter; or
- (2) ~~(B)~~ disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation; **and**

(2) **shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).**"

Page 14, between lines 32 and 33, begin a new paragraph and insert:
"SECTION 22. [EFFECTIVE JULY 1, 2008] **The general assembly finds the following:**

- (1) **A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.**
- (2) **By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.**
- (3) **By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located**

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within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.

(4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform within and across a county having a consolidated city.

(5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local governmental services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.

(6) As the state capital and a center for professional sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through consolidation of city and township fire protection and related services and operations.

(8) Consolidation of city and township fire protection and related services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

- (A) eliminate duplicative services;
- (B) provide better coordinated and more uniform delivery of fire protection and related services;
- (C) provide more unified tax rates; and
- (D) allow fire protection and related services to be provided more efficiently and at a lower cost than without consolidation.

(9) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

(10) The public purpose of this act is to provide a consolidated

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city with the means to provide fire protection and related services for its citizens in an effective, efficient, and fiscally responsible manner.

SECTION 23. [EFFECTIVE JULY 1, 2008] (a) The legislative services agency shall prepare legislation for introduction in the 2009 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.

(b) This SECTION expires July 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1105 as printed February 15, 2008.)

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